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November 27, 2017

VIA ECF

Honorable Alison J. Nathan
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Hassan Muhammad v. City of New York, et al.
17 CV 625 (AJN) (KNF)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and am assigned to represent defendants The City of New York, Detective Jose Chevere, Sergeant Timothy Jaycox, Detective Jesus Rodriguez, Detective Antonio Esparra, Detective Frank Monge, Sergeant Michael Lopuzzo, Sergeant Hector Fuentes, and retired Detective Bart Snyder (hereinafter "Defendants") in the above-referenced matter. I write to respectfully request an enlargement of time from November 27, 2017 up to and including three weeks from the date that plaintiff files proof of service on the final named defendant on ECF, within which defendants may answer or otherwise respond to the Second Amended Complaint. This is Defendants' first request for an enlargement of time to answer or otherwise respond to the Second Amended Complaint. Plaintiff's counsel, Gabriel Harvis, Esq., does not consent to this request on the grounds that: 1) defendants are obligated to answer the amended complaint within fourteen days pursuant to Fed. R. Civ. P. 15(a)(3); 2) joinder of issue will clarify the legal dispute and the parties' contentions in advance of depositions, which are scheduled to commence in December; and 3) plaintiff wishes to expeditiously obtain discovery on his claims as amended and to prepare the matter for trial.¹

¹ Defendants note that the parties are currently engaged in settlement negotiations and are hopeful that the parties may come to a successful resolution of this matter in the near future.

By way of background, plaintiff alleges, *inter alia*, that he was falsely arrested on September 15, 2015, in connection with a shooting on September 12, 2015 in Bronx, New York, and was subsequently maliciously prosecuted. On November 13, 2017, plaintiff filed an amended complaint naming two additional officers, Correction Officer Miller and Captain Bramwell as defendants. According to the civil docket sheet, neither C.O. Miller, nor Captain Bramwell have been served with the Second Amended Complaint.

We have not discussed service with these two newly named officers, and in the event they were served, we make no representation herein as to the adequacy of service upon them. Additionally, a decision concerning this Office's representation of these two officers has not yet been made, and accordingly, this request for an extension of time is not made on their behalves. However, given the time involved in determining the representation of an officer, and in the interest of judicial economy, we hope that the court will, *sua sponte*, extend Correction Officer Miller's and Captain Bramwell's time to answer or otherwise respond to the Complaint.

Based on the foregoing, and to allow Defendants the opportunity to file one joint response on behalf of all defendants, Defendants respectfully request an extension of time to and including three weeks after plaintiff has filed proof of service on the final officer on ECF, to respond to the Second Amended Complaint.

In the event the Court is inclined to grant this request, Defendants also respectfully request that the Court *sua sponte* similarly enlarge the C.O. Miller and Captain Bramwell's time to respond to the Second Amended Complaint as well.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Evan Brustein
Senior Counsel
Special Federal Litigation Division

cc: Gabriel Harvis, Esq.
Attorney for Plaintiff
(via ECF)

SO ORDERED:

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

11/29/17

SO
ORDERED